



City of Apopka

CITY COUNCIL STAFF REPORT

Type of Form: Special Reports

Meeting Date: June 7, 2022

Department: Community Development

SUBJECT:

Presentation of Apopka City Center South – Southwick Commons Master Development Plan and Balcony discussion.

SUMMARY:

Owners:	Southwick Commons LTD
Applicant:	AVCON, INC., Rick V. Baldocchi
Location:	Southeast corner of E. 6 th Street and S. Alabama Ave.
Parcel I.D. Numbers:	15-21-28-0000-00-001 and 15-21-28-6756-00-191
Existing Use:	Vacant
FLUM Designation:	Mixed-Use
Current Zoning:	MU-D (Mixed-Use Downtown District)
Proposed Development:	Southwick Commons apartments (192 units)
Tract Size:	12.823 acres +/- (less ROW off E. 6 th Street)

Zoning Report

This chart includes the general relationships to adjacent properties.

Direction	Future Land Use	Zoning	Present Use
North	Mixed Use and Residential Low	Mixed-Use Downtown District	Single Family & Commercial Hotel
East	Residential Low	Mixed-Use Downtown District	Vacant & Single-family
South	Residential Low	Mixed-Use Downtown District	Vacant & Single-family
West	Residential Low	Mixed-Use Downtown District	Single-family, church and ALF

PROJECT USE: The applicant has submitted a Major Development Plan (MDP) for the proposed Southwick Commons apartment complex. There are three buildings with a total of 192 rooms. The subject properties are located north at the southeast corner of E. 6th Street and S. Alabama Ave. The development area is approximately 12.823 acres and there is a northern portion that needs to be clarified for ROW where the Downtown Apopka Trail will connect through to where S. McGee Ave. is. 6.44 acres in size.

The Development Review Committee has reviewed the MDP and there were only a few issues that the applicant is working on. Next approval phase is the CSP – Construction Site Plan.

The primary issue at this time is staff's interpretation of what constitutes a balcony, which is part of the DA requirements for this development. The DRC believes that the industry standard for a balcony is a usable space which is also demonstrated by the attached balcony definitions and uses information (see highlights)

The applicant insists that their style of balcony adheres to one definition of what a balcony is. This style of balcony is also referred to as a Juliet balcony.

At its meeting on May 17, 2023, the DRC staff voted 7-0 that this type of balcony does not meet with the normal definition, industry standard or the intent of the DA. A porch provides an outdoor living area and a balcony would also provide the same outside use. In addition, the Land Development Code allows the Community Development Director to interpret the LDC, and also rely on the DRC for assistance.

At the last City Council meeting, it was requested that the balcony issue be presented for discussion. Staff had sent a rebuttal to the applicant's attorney's view of what a balcony consists of, which was limited in its interpretation, and not the City's requirement (DRC and Community Development Director's).

In accordance with the Development Agreement, each phase or parcel of the property designated in the Master Plan, a construction plan must be approved by City staff prior to issuance of a building permit. This statement basically means City staff (DRC) should have the authority for approvals, and the decision regarding the balcony issue and what type should rely on the DRC.

RECOMMENDED ACTION:

The DRC recommends that the applicant adhere to the balcony use for the 192 units incorporating at least a 4-foot deep x 6-foot exterior balcony (non-airconditioned) outside space.

ATTACHMENTS:

- MDP-Major Development Plan (not CSP this time)
- Architectural Elevations
- Balcony information